



NYC Build It Back  
Mayor's Housing Recovery Office  
250 Broadway, 24th Floor  
New York, NY 10007

Email: [housing@recovery.nyc.gov](mailto:housing@recovery.nyc.gov)  
Online: [www.nyc.gov/builditback](http://www.nyc.gov/builditback)

## REQUEST FOR REVIEW FORM

The Build It Back program provides customers with a process for requesting a review of certain program determinations. A Request for Review of eligibility and benefits determination must be filed no later than fourteen (14) days after the date you receive a written determination. Written determinations include documents such as the Coordination of Benefits Worksheet, Damage Assessment, and Feasibility Report.

For review of design and construction determinations, please refer to the Construction Issue Resolution Process section below. A Request for Review of a program determination that your home must be elevated must be filed no later than fourteen (14) days after the date you receive your schematic design.

Please note that your application may be delayed while your Request for Review is pending.

### INSTRUCTIONS

Please complete and submit this form to:

**Mayor's Office of Housing Recovery Operations**

**Church St Station**

**P.O. Box 468**

**New York, NY 10008-0468**

You may also fax the form to **(212) 312-0857** or e-mail it to

**legal@recovery.nyc.gov**

**Name** (Please Print): \_\_\_\_\_ **Application #** (if known): \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

\_\_\_\_\_

**Date Applicant Informed of Program Decision:** \_\_\_\_\_

**Applicant Signature:** \_\_\_\_\_

**Date Submitted by Applicant:** \_\_\_\_\_

PLEASE SELECT THE APPROPRIATE REASON FOR YOUR REQUEST FOR REVIEW ON THE FOLLOWING PAGE



**I request a review regarding:** Please check the box below that corresponds to the program decision for which you are requesting a review. *Choose one, you must submit a separate form for each item you would like reviewed.*

**Eligibility**

- (1) BIB determined that I was non-compliant with a previous flood insurance (NFIP) requirement
- (2) BIB determined that I did not own the property at the time of the storm
- (3) BIB determined that I do not currently own the property
- (4) BIB determined that not all owners of the property are participants in the Program
- (5) BIB determined that I do not have citizenship or qualified alien status
- (6) BIB determined that my structure, or at least one unit in my structure, was not being used as a primary residence
- (7) BIB determined that my property did not sustain damage from Hurricane Sandy

**Construction**

- (8) I do not want elevation or rebuild assistance (you must file your Request for Review within fourteen [14] days of schematic design)  
*For all other design and construction determinations, please refer to the Construction Issue Resolution Process section on the next page.*

**New York City Acquisition, Buyout or Relocation**

- (9) BIB determined that I do not qualify for Breezy Point/Edgewater Park Relocation assistance
- (10) I disagree with my pre-storm and/or post-storm appraisal values.

**Temporary Relocation Assistance (TRA)**

- (11) I believe I should be eligible for TRA
- (12) I disagree with my TRA payment amount

**Other**

- (13) I believe I should be eligible for reimbursement for elevating or rebuilding my property
- (14) Reason not listed above, including failure to meet a Program deadline or requirement

***You must complete the next page and include all required documentation. Your Request For Review or Appeal cannot be processed without all required information.***



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## **CONSTRUCTION ISSUE RESOLUTION PROCESS**

All disputes regarding construction design will be reviewed by the Program during the design consultation phase. Homeowners may address construction related issues such as disagreements regarding a scope of work or concerns regarding work in certain areas of the property, such as a basement, stairs, fence or deck, before signing the Grant Agreement.

Homeowners must raise concerns with the designer when receiving the schematic design. If you fail to raise issues with your scope of work after receiving the schematic design, you will waive any right to object to your scope of work. The Program will schedule a Final Design meeting within fourteen (14) days. During that time, all outstanding scope issues must be resolved by the homeowner and designer.



## **EXPLANATION OF CERTAIN NON-APPEALABLE ITEMS**

The Program will not accept Requests for Review or Appeals in certain circumstances including, but not limited to, the following:

**1. A claim that an applicant is eligible for additional reimbursement because the Program undervalued the cost of the repairs completed to the home.**

The damage assessment is the Program's valuation of the applicant's necessary repairs at a standardized, reasonable cost and the damage assessment provides the basis for the Program's compliance with HUD's reimbursement rules. Applicants may not be reimbursed for the actual cost incurred to complete repairs.

**2. A claim that BIB will not perform accessibility modifications in non-repaired areas or a claim that accessibility modifications should be done in another way as requested by an applicant**

If an applicant is approved for accessibility modifications, the Program will provide accessibility modifications to areas in which the Program is working. It will not provide accessibility modifications if the Program is not repairing or altering an area of the home in which work is not taking place. Additionally, the Program will determine what types of modifications will be made, what materials will be used and how the modifications will look. The Program will work with applicants to meet reasonable requests, but the Program may not be able to respond to all requests.

**3. A claim that the State of New York's Acquisition for Redevelopment offer was too low or was incorrect.**

The Build It Back Program cannot assist with resolving issues involving Acquisition for Redevelopment offers. The State of New York's NY Rising Acquisition for Redevelopment Program is solely responsible for any acquisition offer you may receive. If you believe that offer was too low or was incorrect, please contact the State's Acquisition Program at (917) 983-3800 for additional information.



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**IMPORTANT:** Please provide a written explanation **and** the supporting documentation specified below for the category of your Request for Review. Supporting documentation can include receipts, engineering reports, copies of appraisals or estimates, etc. The supporting documentation which must be supplied with each request for review is listed in the sections below. **IF YOU DO NOT SUPPORT YOUR REQUEST FOR REVIEW WITH THE REQUIRED DOCUMENTATION, YOUR REQUEST FOR REVIEW WILL BE REJECTED.**

**EXPLANATION (required)**

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## **SUPPORTING DOCUMENTATION** **REQUIRED TO PROCESS A REQUEST FOR REVIEW OR APPEAL**

The following sections correspond to the check boxes on page 2 of this form. After you check the appropriate box, please refer to the following sections which will explain the type of documentation you will need to submit with your Request for Review.

### **ELIGIBILITY**

**1. BIB determined that I was non-compliant with a previous flood insurance (NFIP) requirement**

Provide a letter from an insurance company stating that your property was covered by Flood Insurance at the time of the storm, October 29, 2012, or proof of any flood insurance claim payments made by NFIP or your insurer.

**2. BIB determined that I did not own the property at the time of the storm**

Provide a deed or other recordable ownership instrument that shows that you owned the property at the time of the storm, October 29, 2012. Note that this requirement does not apply to new applications accepted after October 1, 2015.

**3. BIB determined that I do not currently own the property**

Provide a deed or other recordable ownership instrument that shows that you currently own the property.

**4. BIB determined that not all owners of the property are participants in the Program**

Provide a deed, other recordable instrument or legal document such as a divorce decree showing which individuals are entitled to exclusive use and occupancy of the property. You may also provide a death certificate showing that one or more of the owners listed on the deed are no longer living or a legal document such as a restraining order stating that one of the owners is not allowed to enter upon the property.

**5. BIB determined that I do not have citizenship or qualified alien status**

Provide documentation that shows that you received a FEMA award for Hurricane Sandy Individual Housing Repair Assistance OR one of the following:

- US Passport
- US Passport Card
- US Birth Certificate
- Certificate of Naturalization
- Certificate of Citizenship
- NY State Enhanced Driver's License
- NY State Enhanced Non-Driver Photo ID
- Proof of Qualified Alien Status

**6. BIB determined that my structure, or at least one unit in my structure, was not being used as a primary residence**

Provide documentation that shows that you meet the Program's primary residency requirements. Alternative forms of documentation can be found here:

<http://www.nyc.gov/html/recovery/downloads/pdf/N15.pdf>

**7. BIB determined that my property did not sustain damage from Hurricane Sandy**

Provide documentation that you received Sandy repair or replacement assistance from FEMA or an insurance payment for structural loss due to Sandy from your insurance company.



## **CONSTRUCTION**

### **8. I do not want elevation or rebuild assistance**

The Program must elevate or rebuild all substantially damaged and substantially improved homes. The substantial damage and substantial improvement calculations are based upon the pre-storm value of your home. If you believe your NYC Department of Finance (DOF) pre-storm structure value is too low, you may file a Request for Review and provide an alternate appraisal which you must pay for.

The appraisal you provide must meet the following criteria:

- ✓ The appraisal must be conducted by a NY State Licensed Appraiser;
- ✓ The appraisal must be submitted on a standard appraisal report form;
- ✓ The appraisal must have an effective date between January 1, 2010 and October 28, 2012;
- ✓ The appraisal must separate the land and structure values; and
- ✓ The appraisal must not use the “income capitalization approach” which bases value on the use of the property, not the structure.

Homeowners will forfeit the right to receive construction assistance by the contractor but may be eligible to receive financial assistance through the Direct Grant program, Reimbursement program or Acquisition for Redevelopment program.

## **NEW YORK CITY ACQUISITION, BUYOUT AND RELOCATION**

### **9. BIB determined that I do not qualify for Breezy Point/Edgewater Park Relocation assistance**

If your eligibility determination was based upon your home not being substantially damaged, there are several different ways that you can appeal:

- Method 1: The Program’s substantial damage and substantial improvement calculations are based upon the pre-storm value of your home. If you believe your NYC Department of Finance (DOF) pre-storm structure value is too high, you may provide an alternate appraisal which you must pay for. Please be aware that, in most cases, the appraised value of a structure will be higher than the DOF value. The appraisal you provide must meet the following criteria:
  - ✓ The appraisal must be conducted by a NY State Licensed Appraiser;
  - ✓ The appraisal must be submitted on a standard appraisal report form;
  - ✓ The appraisal must have an effective date between January 1, 2010 and October 28, 2012;
  - ✓ The appraisal must separate the land and structure values; and
  - ✓ The appraisal must not use the “income capitalization approach” which bases value on the use of the property, not the structure.
- Method 2: You may provide a post-storm independent damage assessment performed by a NY licensed architect or engineer which declares that the structure was substantially damaged by Sandy.
- Method 3: You may provide a post-storm Substantial Damage Determination letter from the NYC Department of Buildings to prove that your home was substantially damaged by Sandy.

If your eligibility determination was based upon the Program’s Acquisition or Buyout eligibility requirements, you must contact your case manager to determine the specific requirement that was not met and you must provide documentation that you meet that requirement. You may not appeal a determination made by the Program that your property is not suitable for Acquisition or Buyout.



## **10. I disagree with my pre-storm and/or post-storm appraisal values.**

NYC Acquisition awards are based upon the pre-storm and post-storm value of your property and home. NYC Buyout awards are based upon the pre-storm value of your property and home. Breezy Point/Edgewater Park Relocation awards are based upon the pre-storm value of your home (not including the value of your cooperative shares). If you feel that the appraisal that was used to calculate your award is incorrect or contains an error, you may submit an independent appraisal. The appraisal you provide must meet the following criteria:

- ✓ The appraisal must be conducted by a NY State Licensed Appraiser;
- ✓ The appraisal must be submitted on a standard appraisal report form;
- ✓ A pre-storm appraisal must have an effective date between January 1, 2010 and October 28, 2012 and a post-storm appraisal must have an effective date between October 30, 2012 and the date that you submit your Request for Review;
- ✓ The appraisal must separate the land and structure values; and
- ✓ The appraisal must not use the “income capitalization approach” which bases value on the use of the property, not the structure.

### **TEMPORARY RELOCATION ASSISTANCE (TRA)**

## **11. I disagree with my TRA payment amount**

TRA payments are based upon several factors, including the size of your household as declared on your TRA Claim Form (Form F20), the proof of actual expenses incurred that you submitted with your Claim Form and the amount of temporary relocation assistance you previously received. The Program will not allow changes to the information submitted on the TRA Claim Form once it is submitted. Please note that all temporary relocation reimbursement claims are subject to maximum amounts based upon household size that the Program cannot change. If you believe that the Program made an error in how it calculated your TRA payment, please provide specific reasons why you disagree with the Program’s calculation. That proof may include:

- Proof that the Program should not be counting temporary relocation assistance received from another source because you did not actually receive such assistance. The proof must be in the form of a letter or other documentation from FEMA, your insurance company or the source in question stating that you did not receive the assistance in question or that you paid back the assistance.
- Proof that the Program should not be counting temporary relocation assistance received from another source because the assistance was not solely intended for temporary housing. The proof must be in the form of a letter or other documentation from your insurance company or from the source in question stating that the assistance you received could be used for purposes other than temporary housing.
- Proof that the Program should not be counting all of the temporary relocation assistance received from another source because you received a smaller amount of temporary relocation assistance. The proof must be in the form of a letter or other documentation from FEMA, your insurance company or the source in question stating the actual amount of temporary relocation assistance you received.
- Proof of the actual amount of temporary relocation expenses you incurred if the Program did not accept some or all the proof that you provided with your TRA Claim Form. The proof must meet all of the requirements listed on the Claim Form.

## **12. I believe I should be eligible for TRA**

TRA is available to all owner-occupied households that are displaced by Program construction for a period of greater than 30 days. The Program will not provide TRA if you were required to relocate for a period of 30 days or less. Eligibility for assistance is not based upon how long it takes the Program to complete construction. Instead, eligibility is determined by the Program based upon how many days a household is required to be out of their home due to hazardous construction conditions.





If you believe you are eligible to receive TRA, you must provide proof that the Program informed you that you were required to leave your home for at least 31 days. This may also include proof that you were required to move out on a certain date and that you were not allowed to move back to your home within 30 days.

Acceptable proof includes:

- Copies of letters or emails stating that the Program informed you that you were required to relocate for a period of greater than 30 days.
- Details of verbal instructions you received from Program staff or contractors informing you that you were required to relocate for a period of greater than 30 days. If you received verbal instructions from Program staff or contractors, you must provide the name of the person that gave you the instructions, the date that you received the instructions and a signed statement declaring that you received instructions to vacate your home for a period of greater than 30 days.

### **OTHER**

#### **13. I believe I should be eligible for reimbursement for elevating or rebuilding my property**

The Program determines eligibility for elevation and reconstruction reimbursement based upon a variety of factors. Please refer to the specific reason that you were determined to be ineligible and provide proof that you meet the applicable eligibility criteria. If you were determined to be ineligible because you started incurring expenses related to your project after the Program's Reimbursement Deadline, then you must provide proof that you incurred certain types of expenses before the date that you executed the Program's F1 Form or October 29, 2013, whichever is earlier.

HUD has determined that there are three qualifying events that may be considered when determining if you began to incur expenses prior to the Reimbursement Deadline. Those qualifying events are:

1. The date you entered into a contract with an architect or engineer to design your reconstructed home.
2. The date the plans to reconstruct your home were submitted to the NYC Department of Buildings ("DOB").
3. The date you entered into a contract with a construction contractor or modular home seller to reconstruct the home or purchase a modular home.

#### **14. Reason not listed above, including failure to meet a Program deadline or requirement**

If the reason that you are filing this request is not listed in this form, you must provide a clear description of what relief you are requesting together with any documentation to support your request. If you failed to meet a Program deadline or other requirement, please provide a description of any extenuating reasons or hardships that resulted in your missing the required deadline or not meeting the applicable requirement. You must also include any documentation (if applicable) that you were required to provide before the expiration of the applicable deadline.